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Attorneys for Plaintiffs
RON MOWDY and JOAQUAN HARVEY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

RON MOWDY, JOAQUAN HARVEY,
individually named and on behalf of all
others similarly situated,

Plaintiffs,

vs.

BENETO BULK TRANSPORT, KENAN
ADVANTAGE GROUP, INC.,

Defendants.

Case No. C06-05682 MHP

**STIPULATION AND [PROPOSED] ORDER
SELECTING ADR PROCESS**

Complaint Filed: September 15, 1006

FILED

FEB 16 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- ☐ Non-binding Arbitration (ADR L.R. 4)
- ☐ Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ☒ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

- ☐ Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

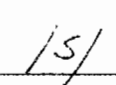
☒ other requested deadline: In this class action, the parties wish to reserve the right to take meaningful discovery and address class certification issues prior to scheduling mediation.

These issues will be addressed at the initial Case Management Conference on March 5, 2007.

Dated: February 13, 2007


Brian Johnsrud, Attorney for Defendants
BENETO BULK TRANSPORT and
KENAN ADVANTAGE GROUP, INC

Dated: February 13, 2007


Antonio M. Lawson, Attorneys for Plaintiffs
RON MOWDY and JOAQUAN HARVEY

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

☐ Non-binding Arbitration

☐ Early Neutral Evaluation (ENE)

☒ Mediation

☐ Private ADR

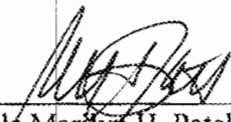
Deadline for ADR session

☐ 90 days from the date of this order.

☒ other as determined at the Case Management Conference

IT IS SO ORDERED.

Dated: 2/15/06



Honorable Marilyn H. Patel
UNITED STATES DISTRICT JUDGE